IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3661 OF 2005

Shri Bhanudas Bajirao Jadhav : Petitioner
(Orig. Deft. No.2)

V/s.

Sou. Nalini Satish Jadhav & Ors. : Respondents
(No.1 & 2 Orig. Pltffs.
No.3 Orig. Deft. No.1)

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Mr.R.V.More for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

July 15, 2005.

P.C.:

1. This petition is directed against the concurrent orders of both the Courts below granting injunction to the plaintiffs-respondents. It appears that the respondent nos.1 and 2 filed the suit for specific performance of the contract for sale of the property. The respondent nos.1 and 2 have sued for specific performance of their contract with the respondent no.3 Haridas Vishnu Sawant. The present petitioner claims to be a purchaser of the same property.

2. In this suit, the plaintiffs sought a temporary injunction which was granted by the trial Court on 25.7.2003 directing the defendants not to obstruct or interfere with the peaceful possession of the respondents-plaintiffs over the suit property till the final disposal of the suit. The appellate Court has confirmed this finding. The appellate Court has concurred with the trial Court. It has prima facie accepted the case that the respondent no.3 Haridas Vishnu Sawant has agreed to sell the suit property in favour of the respondent nos.1 and 2 on 14.6.2001. Prima facie, it is accepted by the appellate Court that the possession of the suit property was delivered to the respondent no.1 and 2 on 14.6.2001. The sale deed in favour of the petitioner seems to have been executed on 15.9.2001 in respect of the same property. In this view of the matter, there is no reason to interfere with the finding and the injunction granted by the Court. Indeed, the respondents have made out a prima facie case, along with the other considerations for grant of an injunction.

3. Accordingly, the petition is dismissed. The trial Court shall decide the suit, as expeditiously as possible.

S.A. BOBDE, J.